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Fifty-sixth session
Item 18 of the provisional agenda

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

United Nations Staff

Note by the secretariat

1. In its resolution 1997/25, the Commission on Human Rights, gravely concerned at the recent increase in attacks and the use of force against United Nations and other personnel acting under the authority of United Nations operations as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts, drew attention to the relevant principles on protection found in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel.

2. In the same resolution, the Commission requested the Secretary-General to commission a comprehensive study from within existing resources, to shed further light on the safety and security problems which United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, taking into account the evolution of the nature of United Nations missions around the world and the greater responsibilities of those personnel, giving due consideration to the views of the main United Nations agencies concerned and of relevant intergovernmental and non-governmental organizations.

GE.99-16500 (E)

3. In its resolution 1998/37, the Commission repeated its concerns noted in paragraph 1 above as well as its requests for the study referred to in paragraph 2 above, which it requested be submitted at its fifty-sixth session.

4. The United Nations Security Coordinator has informed the secretariat that the General Assembly has already requested that a comprehensive review of security arrangements be carried out and a report submitted to the Millennium Assembly. Consequently, the Security Coordinator proposed that the secretariat advise the Commission on Human Rights that the report requested in resolutions 1997/25 and 1998/37 is being prepared on an inter-agency basis to reflect the actual situation and will be provided to the Commission in due course.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Cooperation with representatives of United Nations human rights bodies

Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1999/16

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I. INTRODUCTION

1. In its resolution 1999/16, the Commission on Human Rights, reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies and concerned at reports about incidents where private individuals had been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms, invited the Secretary-General to submit to it at its fifty-sixth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in the resolution. The present report is submitted in accordance with that invitation.

II. ALLEGATIONS OF INTIMIDATION AND REPRISALS RECEIVED PURSUANT TO COMMISSION RESOLUTION 1999/16 AND ACTION TAKEN BY REPRESENTATIVES OF HUMAN RIGHTS BODIES

2. The following is a summary of information gathered pursuant to resolution 1999/16, describing situations in which persons have reportedly been intimidated or suffered reprisals for having cooperated with United Nations human rights bodies, availed themselves of international procedures, provided legal assistance for this purpose, and/or for being relatives of victims of human rights violations. In some cases where the victims, whether individuals or organizations, had been in contact with one of the bodies or mechanisms of the Commission on Human Rights, action was taken for their protection by the pertinent body or the representative of the relevant mandate of the Commission. In most of the cases urgent communications were addressed to the Government concerned. The prompt intervention procedure is described in a previous report to the Commission (E/CN.4/1992/29, paras. 14-18). It should be noted that some of the information included in the present report is also reflected in the latest reports presented by each mechanism to the General Assembly or the Commission on Human Rights.

3. The reported acts of reprisal ranged from harassment, threats and arbitrary arrests to ill-treatment or torture in detention. Two cases of alleged arbitrary execution or "disappearance" were also reported. The alleged victims of these abuses were private individuals or members of non-governmental organizations which were or had been sources of information about human rights violations for United Nations human rights bodies. There are also continuing and disturbing allegations of cases where persons who personally met with representatives of United Nations human rights bodies subsequently suffered reprisals for having done so.

A. Information received from the Special Rapporteur on extrajudicial, summary or arbitrary executions

4. Since her last report to the Commission on Human Rights, the Special Rapporteur has intervened on behalf of two persons who had cooperated with representatives of United Nations human rights bodies and who had received death threats.

Allegations of reprisals in connection with the Special Rapporteur's mission to Mexico in July 1999

5. During her visit to Mexico from 12 to 24 July 1999, the Special Rapporteur held meetings and discussions with a large number of non-governmental organizations from all parts of the country. One of the main non-governmental interlocutors during the mission was the organization Centro de Derechos Humanos Miguel Agustin Pro Juárez based in Mexico City. After her visit to Mexico, the Special Rapporteur was informed that members of the organization had received death threats. It was reported that on 3 September 1999 the organization received two letters threatening the lives of its Director, Edgar Cortez Morales, and the Coordinator of the Legal Department, Digna Ochoa y Placido. On 6 September 1999 the Special Rapporteur sent a joint appeal with the Special Rapporteur on freedom of opinion and expression urging the Government to investigate these reports and to ensure the safety of the persons concerned. Later, reports were received saying that on 9 and 14 September the organization had been subjected to new threats, and that more letters of a similar nature had been found in the organization's office in Mexico City. On 17 September 1999, the two Special Rapporteurs sent another joint appeal reiterating their concern at the continuing threats and requesting that the Government inform them of the steps taken in regard to the earlier reports of death threats, cited in their first communication to the Government.

6. On 22 September 1999, the Government replied to the joint appeal of 6 September, stating that it condemned any sort of threats against civil organizations, and adding that officials of the National Commission for Human Rights and public security officers had been in contact with representatives of the Centro de Derechos Humanos Miguel Augustin Pro Juárez to agree on measures to be taken to enhance their security.

B. Information received from the Special Rapporteur on the question of torture

Allegations of reprisals in connection with the Special Rapporteur's mission to Cameroon in May 1999

7. On 2 June 1999, the Special Rapporteur sent an urgent appeal to the Government of Cameroon on behalf of Ms. Abdoulaye Math and other members of the Mouvement pour la défense des droits de l'homme at des libertés, whom he had met during his mission to Cameroon in May 1999. This organization had also provided him with information regarding an anti-gang police unit based in Maroua, under the command of Colonel Pom. It was reported that on 28 May 1999, three members of the unit together with Colonel Pom drove up outside Ms. Math's home, where they remained for some 20 minutes. Later in the evening several members of the anti-gang unit reportedly arrived in three trucks and, under the command of Colonel Pom, surrounded the house. In the meantime, Ms. Math had left her house and sought shelter with a neighbour. Reportedly, the police squad remained in position around Ms. Math's house the whole night. The following evening, the units reportedly repeated the same operation at the home of one of Ms. Math's colleagues, Mr. Semdu Soelay. After these incidents, Ms. Math and Mr. Soelay left Maroua and travelled to Yaoundé, as they feared for their lives. It was reported that police forces searched several hotels in Yaoundé looking for Ms. Math and Mr. Soelay. At the time of writing, the Government of Cameroon had not responded to the Special Rapporteur's communication.

C. Information received from the Working Group on Enforced or Involuntary Disappearances

8. During the present reporting period the Working Group on Enforced or Involuntary Disappearances sent urgent communications on behalf of the following persons who had submitted cases to the Working Group.

9. On 23 February 1999 the Chairman of the Working Group sent a communication to the Government of Colombia following reports that the leadership of the non-governmental organizations Asociación de Familiares de Victimas de Trujillo (AFAVIT) and Comisión Intercongrecional de Justicia y Paz (CIJP) had continuously received threats from members of paramilitary groups said to be acting with the consent of government forces. The situation was reported to be particularly serious in Trujillo, Department of Valle del Cauca, where these organizations had been obliged to close their offices, since they were unable to continue their work.

10. On 9 July 1999, the Chairman of the Working Group wrote to the Government of Honduras with regard to reports that members of the Committee of Relatives of Detainees and Disappeared Persons (COFADEH) had been subjected to acts of harassment and intimidation by persons believed to be connected to the security forces. It was reported that one of the members of the organization, Ms. Dora Emperatriz Oliva Guifarro, was abducted on 5 July 1999 and held for several hours in Tegucigalpa, allegedly by members of a paramilitary organization who identified themselves as being linked to the security forces. The abductors reportedly threatened to harm Ms. Oliva Guifarro's children if she revealed what had happened. Ms. Guifarro was left on a piece of wasteland after having had her identification documents taken away. It was further reported that the general coordinator of COFADEH, Ms. Bertha Oliva de Nativi, had also been subjected to threats and harassment because of her human rights work.

11. On 16 July 1999, the Chairman of the Working Group sent an urgent appeal to the Government of Guatemala on behalf of several members of the Association of Relatives of Detained and Disappeared Persons of Guatemala (FAMDEGUA). On 22 March 1999, Mr. Francisco Sánchez Méndez, representative of FAMDEGUA in El Petén, was reportedly attacked and threatened with death by two armed men outside his home. Allegedly, the threats were related to his work with FAMDEGUA. It was further reported that Ms. Ana Elena Farfán and other members of FAMDEGUA had received anonymous death threats by telephone.

D. Information received from the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo

Territories under the control of the Government of the Democratic Republic of the Congo

12. It is reported that Commander Makelele Kabunda was arrested on 20 March 1999 in Kinshasa after having attended the trial of two of his colleagues before the Military Court and after having provided a report on this trial to the Special Rapporteur during his visit to Kinshasa in February 1999.

13. On 23 February 1999, Mr. Bofassa Djema, member of the leadership of the Mouvement populaire pour la République, was reportedly prevented by the authorities of the Democratic Republic of the Congo from travelling abroad. This incident occurred three days after Mr. Djema had held discussions with the Special Rapporteur in Kinshasa. On 15 March, the Special Rapporteur sent an urgent action to the Minister for Human Rights of the Democratic Republic of the Congo of behalf of Mr. Djema. At the time of writing the Government had not responded to this communication.

14. On 19 July 1999, Mr. Kambaji wa Kambaji, a leader of the political party Union pour la democratie et le progrès social (UDPS), was reportedly arrested after having been accused of providing information to the Office of the High Commissioner for Human Rights in Kinshasa.

Territories under the control of the Rassemblement congolais pour la démocratie (RCD)

15. On 21 February 1999 in Goma, the Special Rapporteur met with some 20 human rights non-governmental organizations from South Kivu. After the meeting at least five members of the organizations Grand Vision, Centre de recherche et d'encadrement populaire CREP-LUCODOR, Promotion et appui aux initiatives féminines (PAIF) and Action paysanne pour la reconstruction et le développement (APREDECI) were forced to leave the country and flee to Uganda, because of repeated threats and harassment by RCD elements who accused them of having provided the Special Rapporteur with documents implicating RCD officers in human rights violations. It is further reported that the families of these persons, who remained in Goma, have been subjected to repeated harassment by the RCD.

E. Information received from the Special Rapporteur on the sale of children, child prostitution and child pornography

Allegations of reprisals in connection with the Special Rapporteur's mission to Guatemala in July 1999

16. In connection with her visit to Guatemala in July 1999, the Special Rapporteur held a meeting with the Comisión de Búsqueda de la Niñez, during which she interviewed three young adults who had been kidnapped and forcibly removed from their parents during the civil conflict in Guatemala. A fourth person, a young woman, did not arrive at the meeting despite having confirmed that same morning she would attend. Nine days after the meeting, the Special Rapporteur spoke to the woman who stated that on her way to the meeting she had been abducted and drugged with a cotton pad that was pressed against her nose. Thirty hours later the woman woke up in a park. She then went home, where she realized that her written testimony addressed to the Special Rapporteur had been taken away. The woman was convinced that the attack was intended to prevent her from sharing her testimony with the Special Rapporteur.

F. Office of the High Commissioner for Human Rights, Burundi

17. The Office of the High Commissioner for Human Rights (OHCHR) in Burundi has received information concerning several cases of reprisals against persons who had cooperated with the Office. In all cases, the individuals concerned had given testimonies to the Office on human rights violations allegedly committed by State agents, in particular members of the

Burundian security forces. The acts of reprisals were also attributed to members of these units. The Office of the High Commissioner for Human Rights in Bujumbura has raised these cases in meetings with the relevant Burundian authorities, and also expressed its concern over these allegations in communications to the Minister for Human Rights.

18. The Office was informed of two incidents which reportedly occurred in two transitory detention places in Bujumbura: the Brigade spéciale de recherches and an unofficial detention camp run by the Third Intervention Brigade of the gendarmerie. In interviews with OHCHR staff, the detainees stated that they had been ill-treated because of their previous contacts with OHCHR.

19. On 24 December 1998, Mr. Dionise Ndayizeye was reportedly arrested by members of the military post of Mubone. His fate and whereabouts after the arrest are unknown, but it is alleged that he was killed and that his body was buried near the military post. Several witnesses, including local officials, confirmed that Mr. Ndayizeye had been arrested by the military. On 18 December, Mr. Ndayizeye gave testimony to OHCHR staff regarding an incident on 13 December in which several unarmed civilians were allegedly killed by the military. It appears that to date the official inquiries into Mr. Ndayizeye's disappearance have brought no results.

20. On 12 January 1999, Mr. Bancirmisi Thérence, head of the Mubone sector (administrative official), was killed in his home in Mubone by armed men in uniform. It is reported that the soldiers manning an army post some 100 metres from the scene did not react despite hearing shots fired. The authorities attribute the murder of Mr. Thérence to rebel elements. However, local residents reportedly identified soldiers of the local army post as the perpetrators. On 7 January 1999, Mr. Thérence gave testimony to OHCHR staff concerning the killing of several unarmed civilians in the Mubone sector on 4 January 1999. Mr. Thérence also testified on the above-mentioned disappearance of Mr. Ndayizeye.

21. On 7 June 1999, Mr. Thomas Ntahonkiriye, a pastor of the Adventist Church, provided OHCHR-Burundi with a note describing the detention conditions at the Mabayi police jail. OHCHR staff investigated these allegations on site. On 17 June 1999, Mr. Ntahonkiriye was reportedly arrested by the commander of the Mabayi police brigade. The following day, local civilian and military officials allegedly forced Mr. Ntahonkiriye to write a letter retracting his allegations and asking for forgiveness. On 28 July, the authorities informed the pastor that his case was closed and that there would be no more legal proceedings against him. However, on 16 August the prosecutor in Cibitoke reportedly summoned Mr. Ntahonkiriye for interrogation following a complaint against him by a police officer. The prosecutor allegedly threatened him and ordered him to pay a fine and to write another note retracting his earlier statement about the Mabayi jail. On 17 September, Mr. Ntahonkiriye informed OHCHR in Bujumbura that he had left Burundi in order to find refuge abroad.